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**Yee &  
Associates, P.C.**

4100 Alpha Road  
Suite 1100  
Dallas, Texas 75244

Main No. (972) 385-8777  
Facsimile (972) 385-7766

## FACSIMILE COVER SHEET

To: Office of Petitions Senior Petitions Attorney Patricia Faison-Ball	Facsimile No. 571/273-8300
From: Brandi Colon Legal Assistant to Willy Rose	No. of Pages Including Cover Sheet: 18
Enclosed herewith: <ul style="list-style-type: none"><li>• Request for Reconsideration of Petition</li><li>• Exhibits</li><li>• Declaration of Willy Rose</li><li>• Declaration of Brandi Colon</li></ul>	
Re: Application Serial No. 10/038,405 Attorney Docket No. RPS920050806US1	
Date: December 20, 2007	
<b>Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</b>	<i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION BY  
FAXING A CONFIRMATION TO 972-385-7766.**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application: Taylor et al.

Serial No.: 10/038,405

Filed: January 3, 2002

For: Method and Apparatus for  
Optimizing a Security Database for a  
Self-Service Checkout System§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Group Art Unit: 3714

Examiner: Laneau, Ronald

Attorney Docket No.: RPS920050806US1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-145039698  
PATENT TRADEMARK OFFICE  
CUSTOMER NUMBERREQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 C.F.R. §1.47(b)

The Assignee requests that the declaration entitled "METHOD AND APPARATUS FOR OPTIMIZING A SECURITY DATABASE FOR A SELF-SERVICE CHECKOUT SYSTEM" be accepted without the signature of John Allard on the replacement Declaration, filed herewith. One of the inventors, John Allard, refused to re-execute the application for patent after diligent efforts made by Assignee and their representatives. The last known address of John Allard is 1366 SW 4<sup>th</sup> Court, Boca Raton, Florida 33432. The signature of his co-inventor, Mr. Brian David Taylor, was obtained.

Mr. Allard signed the original Oath and Declaration on April 29, 2002, a copy of which is attached. The statement language used in that Declaration has since been considered incorrect under 37 CFR 1.56. Mr. Allard was contacted by Jason Piche, counsel for IBM, to re-execute a replacement Oath and Declaration, but he refused. Diligent efforts to obtain the signature of John Allard were also made by Brandi R. Colón and Willy Rose, per the Affidavits and the supporting documentation of emails sent to Mr. John Allard and his responses, listed in exhibits 1-9 attached. The exhibits include the following documentation:

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List of Exhibits

	Date	Content
1	12/19/07	Successful Mail Delivery Report
2	12/19/07	Successful Mail Delivery Report
3	12/19/07	Sent Password for Attachment
4	12/19/07	Sent Request for Signature and Attachment
5	11/19/07	John Allard's Reply
6	11/14/07	Email to John Allard and Summary of Phone Call on 11/14/07
7	11/14/07	Request to Brandi Colon to Email Call Summary to John Allard
8	10/29/07	Email to IBM with Summary of Call with John Allard Indicating Refusal to Provide Information for Declaration
9	10/29/07	Email to John Allard Requesting He Provide Information to Prepare Replacement Declaration

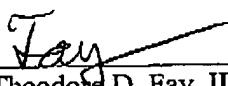
These efforts resulted in Mr. Allard refusing to sign the declaration for this application.

It is respectfully requested that the replacement declaration be accepted without the signature of John Allard.

No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0563. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0563.


Date: December 20, 2007

Respectfully submitted,

  
Theodore D. Fay, III  
Reg. No. 48,504  
Yee & Associates, P.C.  
PO Box 802333  
Dallas, TX 75380  
(972) 385-8777  
Attorney for Applicants

**Brandi Colon**

**From:** Mail Delivery System [MAILER-DAEMON@smtpauth00]  
**Sent:** Wednesday, December 19, 2007 5:40 PM  
**To:** bcolon@yeeiplaw.com  
**Subject:** Successful Mail Delivery Report

 details.txt (1 KB) Message  
Headers.txt (1 KB)

This is the mail system at host  
smtpauth00.csee.onr.siteprotect.com.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<dyee@yeeiplaw.com>: delivery via mail.yeeiplaw.com[64.26.60.207]:25: 250 Ok:  
queued as AF5ACDD806D

<tfay@yeeiplaw.com>: delivery via mail.yeeiplaw.com[64.26.60.207]:25: 250 Ok:  
queued as AF5ACDD806D

<wrose@yeeiplaw.com>: delivery via mail.yeeiplaw.com[64.26.60.207]:25: 250 Ok:  
queued as AF5ACDD806D

<jcallard1@comcast.net>: delivery via mx2.comcast.net[76.96.30.116]:25: 250  
2.0.0 SnfZ1Y01236j2mQ0T00000 mail accepted for delivery

**Brandi Colon**

---

**From:** Mail Delivery System [MAILER-DAEMON@smtpauth01]  
**Sent:** Wednesday, December 19, 2007 5:02 PM  
**To:** bcolon@yeeiplaw.com  
**Subject:** Successful Mail Delivery Report



details.txt (560 B)

Message

Headers.txt (1 KB)

This is the mail system at host  
smtpauth01.csee.onr.siteprotect.com.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<jcallard1@comcast.net>: delivery via mx1.comcast.net[76.96.62.116]:25: 250  
2.0.0 SngP1Y014380j6g0J00000 mail accepted for delivery

**Brandi Colon**

**From:** Brandi Colon [bcolon@yeeiplaw.com]  
**Sent:** Wednesday, December 19, 2007 5:52 PM  
**To:** 'John Allard'  
**Subject:** RPS920050806US1 - PASSWORD  
**Importance:** High  
**Sensitivity:** Confidential

YEE2&07

**Brandi Colón**  
*Legal Assistant to Brandon Williams and Willy Rose*  
**Yee & Associates, PC**  
4100 Alpha Rd, Suite 1100  
Dallas, Texas 75244  
(972) 385-8777  
(972) 385-7766 fax

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**Brandi Colon**

**From:** Brandi Colon [bcolon@yeeiplaw.com]  
**Sent:** Wednesday, December 19, 2007 5:51 PM  
**To:** 'John Allard'  
**Cc:** 'Duke Yee'; 'Willy Rose'; 'tfay@yeeiplaw.com'  
**Subject:** RPS920050806US1 - New Oath and Declaration for your signature  
**Importance:** High  
**Sensitivity:** Confidential

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	'John Allard'	
	'Duke Yee'	
	'Willy Rose'	Read: 12/19/2007 6:11 PM
	'tfay@yeeiplaw.com'	

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John,

Regarding patent application RPS920050806US1, I am providing a new declaration for your signature. Please print the document single-sided and sign and date the form where indicated. Please also provide your address on the form, as well as any other missing information, and update incorrect information by striking through the incorrect information and providing corrected information and initialing the changes. The password to open the document will be sent in a separate email. We will provide you with a copy of the updated form with the updated information.

Once you have signed the documents, please fax them back to me at 972-385-7766 and mail the original printed documents to me at the address below by overnight mail. We will reimburse you for the expense of mailing.

If you have any questions regarding this request, please contact me at 972-385-8777. Thank you for your assistance with this matter. A prompt response would be appreciated.

Regards,  
Willy Rose  
Technical Advisor  
Mailing address:  
Yee & Associates, P.C.  
Post Office Box 802333  
Dallas, Texas 75380

*Brandi Colón*  
*Legal Assistant to Brandon Williams and Willy Rose*

Yee & Associates, PC  
4100 Alpha Rd, Suite 1100  
Dallas, Texas 75244  
(972) 385-8777  
(972) 385-7766 fax

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**Brandi Colon**

**From:** Willy Rose [wrose@yeeiplaw.com]  
**Sent:** Monday, November 19, 2007 9:02 AM  
**To:** 'Brandi Colon'  
**Subject:** FW: RPS920050806US1 - Oath and Decalration

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Please add this message to the file.  
willy

**From:** John Allard [mailto:jcallard1@comcast.net]  
**Sent:** Sunday, November 18, 2007 6:49 PM  
**To:** Willy Rose  
**Subject:** RE: RPS920050806US1 - Oath and Decalration

Willy,  
It is my understanding that the patent referenced below was not assigned from me to PSI properly prior to the acquisition by IBM.

Regards,  
John Allard

-----Original Message-----

**From:** Willy Rose [mailto:wrose@yeeiplaw.com]  
**Sent:** Wednesday, November 14, 2007 3:58 PM  
**To:** jcallard1@comcast.net  
**Cc:** 'Brandi Colon'  
**Subject:** RPS920050806US1 - Oath and Decalration

Reference: telephone conversation of November 14, 2007

John, based on our conversation, it is my understanding that you have decided **NOT** to sign a new oath and declaration for the patent application RPS920050806US1. The patent application is currently assigned to IBM and you are listed as a joint inventor.  
Please confirm this understanding by responding to this email.  
A quick response would be appreciated.  
Thank you for your consideration;

Regards Willy Rose

Willy Rose  
wrose@yeeiplaw.com

Yee & Associates  
4100 Alpha Road  
Suite 1100  
Dallas, Texas 75244  
Telephone: (972) 385-8777  
Facsimile: (972) 385-7766

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privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this transmission is strictly prohibited. If you receive this communication in error, please delete the communication and notify us immediately by telephone at (972) 385-8777.

**Brandi Colon**

**From:** Willy Rose [wrose@yeeiplaw.com]  
**Sent:** Wednesday, November 14, 2007 2:58 PM  
**To:** jcallard1@comcast.net  
**Cc:** 'Brandi Colon'  
**Subject:** RPS920050806US1 - Oath and Decalration

Reference: telephone conversation of November 14, 2007

John, based on our conversation, it is my understanding that you have decided **NOT** to sign a new oath and declaration for the patent application RPS920050806US1. The patent application is currently assigned to IBM and you are listed as a joint inventor.  
Please confirm this understanding by responding to this email.  
A quick response would be appreciated.  
Thank you for your consideration;

Regards Willy Rose

Willy Rose  
wrose@yeeiplaw.com

Yee & Associates  
4100 Alpha Road  
Suite 1100  
Dallas, Texas 75244  
Telephone: (972) 385-8777  
Facsimile: (972) 385-7766

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**Brandi Colon**

**From:** Willy Rose [wrose@yeeiplaw.com]  
**Sent:** Wednesday, November 14, 2007 2:31 PM  
**To:** 'Brandi Colon'  
**Cc:** 'Louise Fay'  
**Subject:** RPS920050806US1 - Oath and Declaration

Brandi, I just spoke with John Allard regarding the signing of a new oath and declaration. He will not. I told him that we would send an email asking him to confirm by response. We should also copy Jason Piche. Please send the following note to John:

Reference: telephone conversation of November 14, 2007

John, based on our conversation, it is my understanding that you have decided **NOT** to sign a new oath and declaration for the patent application RPS920050806US1. The patent application is currently assigned to IBM and you are listed as a joint inventor. Please confirm our understanding by responding to this email. A quick response would be appreciated. Thank you for your consideration;

Regards Willy Rose

Willy Rose  
wrose@yeeiplaw.com

Yee & Associates  
4100 Alpha Road  
Suite 1100  
Dallas, Texas 75244  
Telephone: (972) 385-8777  
Facsimile: (972) 385-7766

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Cyc Office/Austin/Contr/IBM

10/29/2007 11:18 AM

Default custom expiration date  
of 10/28/2008

To Oksana M Buynitzky/Raleigh/IBM@IBMUS

cc Jason O Piche/Raleigh/IBM@IBMUS

bcc

Subject \*IBM Confidential: Re: RPS920050806US1 - Inventor info  
needed (WR/brc)☐

Good morning,

I spoke with John Allard on Friday and briefly this morning. He has some issues regarding compensation for this patent that he would like to discuss with the IBM. He will not release the necessary information needed to prepare the amended Oath and Declaration until he has spoken with someone regarding this matter. He can be contacted at 772-323-1267 (cell) or 772-546-8450 (home). Thanks!

Regards,  
Brandi Colon  
Legal Assistant to Willy Rose

Yee & Associates, P.C.  
4100 Alpha Road  
Suite 1100  
Dallas, TX 75244

Telephone: (972) 385-8777  
Fax: (972) 385-7766

Oksana M Buynitzky/Raleigh/IBM



Oksana M  
Buynitzky/Raleigh/IBM  
10/25/2007 01:24 PM

To Cyc Office/Austin/Contr/IBM@IBMUS

cc Jason O Piche/Raleigh/IBM@IBMUS

Subject Re: \*IBM Confidential: RPS920050806US1 - Inventor info  
needed (WR/brc)☐

We were being able to locate the two inventors for the above-referenced application. Please contact them to obtain the signed Declaration:

Brian Taylor  
IBM Retail Store Solutions  
(919) 254-1160  
taylorbr@us.ibm.com

John Allard: jcallard1@adelphia.net

Please let us know if you need any additional information.

Best regards,

Oksana Buynitzky  
Administrative Analyst - Intellectual Property Law  
3039 Cornwallis Road

**Brandi Colon**

**From:** Brandi Colon [bcolon@yeeiplaw.com]  
**Sent:** Monday, October 29, 2007 11:08 AM  
**To:** 'jcallard1@comcast.net'  
**Subject:** RPS920050806US1 - Follow up re: Inventor Information Needed  
**Importance:** High  
**Sensitivity:** Confidential

Dear Mr. John Allard,

We have been asked by our client IBM to obtain signatures from you on a new Oath and Declaration for docket number RPS920060806US1, entitled *Method and Apparatus for Optimizing a Security Database for a Self-Service Checkout System* filed on January 3, 2002. The United States Patent Office has rejected the original document that you signed. Please provide the following information so that we can prepare the necessary forms for your signature. Also, please note that this is a time sensitive issue and we must have the information and the original documents once signed in our office no later than Tuesday, November 13, 2007. The IBM in house counsel for this application is Jason Piche. He can be contacted at (919) 441-1467. If you have any questions or concerns please feel free to contact our office.

Full legal name  
Home address (including street address, city, state, and zip code)  
Home **COUNTY** in which you reside  
**COUNTRY** of citizenship  
Phone Number where you can be reached anytime  
Email address

Regards,

**Brandi Colón**  
Legal Assistant to Brandon Williams and Willy Rose  
Yee & Associates, PC  
4100 Alpha Rd, Suite 1100  
Dallas, Texas 75244  
(972) 385-8777  
(972) 385-7766 fax

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Taylor et al.

§

§ Group Art Unit: 3714

Serial No.: 10/038,405

§

§ Examiner: Ronald Lancau

Filed: January 3, 2002

§

§ Attorney Docket No.: RPS920050806US1

For: Method and Apparatus for  
Optimizing a Security Database for a  
Self-Service Checkout System

§

§

§

§

**DECLARATION UNDER 37 CFR 1.47(b)**Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Willy Rose declares as follows:

I am employed by Yee &amp; Associates, P.C. in the capacity of technical advisor.

I was assigned the duty of obtaining the signatures on a replacement Declaration and Oath from the inventors of the above application entitled "Method and Apparatus for Optimizing a Security Database for a Self-Service Checkout System", Serial No. 10/038,405 in response to the Ex parte Quayle action dated September 20, 2007.

I contacted the two inventors and obtained the signature of Brian David Taylor, however John Allard refused to sign the replacement declaration. I contacted Mr. Allard by telephone on November 14, 2007 and he again refused to execute the declaration. Our conversation was followed by email on November 18, 2007 confirming he was refusing to sign the replacement declaration.

I, Willy Rose, acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. All statements made to my knowledge are true and all statements made on information and belief are believed to be true.

Date: December 20, 2007

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Willy Rose', is written over a horizontal line.

Willy Rose



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Taylor et al.

Serial No.: 10/038,405

Filed: January 3, 2002

For: Method and Apparatus for  
Optimizing a Security Database for a  
Self-Service Checkout System§  
§ Group Art Unit: 3714  
§  
§ Examiner: Ronald Laneau  
§  
§ Attorney Docket No.: RPS920050806US1  
§  
§  
§DECLARATION UNDER 37 CFR 1.47(b)Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Brandi R. Colón declares as follows:

I am employed by Yee &amp; Associates, P.C. in the capacity of legal assistant.

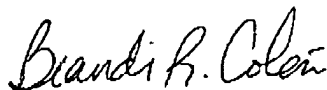
I was assigned the duty of obtaining the signatures on a replacement Declaration and Oath from the inventors of the above application entitled "Method and Apparatus for Optimizing a Security Database for a Self-Service Checkout System", Serial No. 10/038,405 in response to the Ex parte Quayle action dated September 20, 2007.

I contacted the two inventors on October 25, 2007 and obtained the signature of Brian David Taylor; however, John Allard refused to provide the necessary information for the replacement declaration via a telephone conversation on October 29, 2007 and November 12, 2007. I followed up with John Allard via email on October 29, 2007 and November 6, 2007. John Allard refused to provide his updated personal information to prepare an accurate replacement declaration. I sent a replacement declaration with the information from the original declaration to Mr. John Allard via email on December 19, 2007, with no response.

I, Brandi R. Colon, acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. All statements made to my knowledge are true and all statements made on information and belief are believed to be true.

Date: December 20, 2007

Respectfully submitted,



Brandi R. Colón